

01
02
03
04
05 UNITED STATES DISTRICT COURT
06 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

07 ANDRE B. YOUNG,) CASE NO. C07-1843-RSL
08)
09)
10)
11)
12)
13)
14)
15)
16)
17)
18)
19)
20)
21)
22)

Petitioner,
v.
HENRY RICHARDS,
Respondent.

13 Petitioner Andre B. Young is currently under the jurisdiction of the Washington
14 Department of Social Health Services pursuant to an order of civil commitment entered in King
15 County Superior Court in 1991. The present matter comes before the Court on petitioner's
16 challenge to his civil commitment by way of a 28 U.S.C. § 2254 petition for writ of habeas
17 corpus. (Dkt. 1.) This petition is not his first. A review of this Court's records reveals that
18 petitioner has filed a number of § 2254 petitions challenging his civil commitment. *See, e.g.,*
19 *Young v. Weston, et al.*, No. C94-480-JCC; *Young v. Seling*, No. C04-959-RSL; *Young v. State*
20 *of Washington, et al.*, No. C07-753-JLR. His first petition was ultimately denied on its merits
21 in February 1998. *See Young v. Weston, et al.*, No. C94-480-JCC (Dkt. 165). Others were
22 deemed successive and transferred to the Ninth Circuit Court of Appeals.


01 After careful consideration of the petition, governing law, and the balance of the record,
02 the Court ORDERS as follows:

03 (1) As petitioner previously attempted to challenge the same confinement he seeks
04 to challenge here, the instant petition must be deemed successive. This Court is without
05 jurisdiction to consider such a petition or motion until the Ninth Circuit Court of Appeals has
06 authorized its filing. 28 U.S.C. § 2244(b)(3)(A). Accordingly, this case is hereby
07 TRANSFERRED to the Ninth Circuit Court of Appeals, in the interests of justice, pursuant to
08 28 U.S.C. § 1631 and Ninth Circuit Rule 22-3.

09 (2) Petitioner is advised that this transfer does not of itself constitute compliance with
10 § 2244(b)(3); he must still make the requisite showing required by § 2244(b)(2). Petitioner is
11 referred to this statute for further information.

12 (3) The Clerk is directed to close this case and transfer all original documents to the
13 Ninth Circuit Court of Appeals. The Clerk shall, however, retain a copy of the petition and of
14 this Order in the file. The Clerk is further directed to send a copy of this Order to petitioner at
15 his place of confinement and to the Honorable Mary Alice Theiler.

16 DATED this 10th day of January, 2008.

17 
18 Robert S. Lasnik
19 United States District Judge

20 Recommended for Entry
21 this 9th day of January, 2008.

22 s/ Mary Alice Theiler
United States Magistrate Judge